

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHARLES LANGONE, as FUND MANAGER)
of the NEW ENGLAND TEAMSTERS AND)
TRUCKING INDUSTRY PENSION FUND)

Plaintiff,)

v.)

BREWER PETROLEUM SERVICE, INC.)

Defendant,)

C.A. No. 03cv12534 RJS

**NOTICE OF DISMISSAL PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE 41**

Now comes the Plaintiff, Fund Manager of the New England Teamsters and Trucking Industry Pension Fund, to notify this Court that he wishes to dismiss the above-captioned action without prejudice and with each party to bear its own costs pursuant to F.R.C.P. 41(a)(1)(i) as the Defendant has neither filed an answer nor motion for summary judgment.

Dated: February 9, 2004

Respectfully submitted,

For the Plaintiff,
CHARLES LANGONE, FUND MANAGER
By his Attorney,

/s/ Catherine M. Campbell
Catherine M. Campbell
BBO #549397
Feinberg, Campbell & Zack, P.C.
177 Milk Street
Boston, MA 02109
(617) 338-1976

Certificate of Service

I, Catherine M. Campbell, hereby certify that I caused a copy of the foregoing to be mailed this date by first class mail, postage prepaid, to Robert K. Sullivan, Sr., President Brewer Petroleum Service, Inc., 271 Lee Burbank Highway, Revere, MA 02151.

Dated: February 9, 2004

/s/ Catherine M. Campbell
Catherine M. Campbell